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July 26, 2006, 2006

Hon Nicholas G. Garaufis  
United States District Court Judge  
225 Cadman Plaza East  
Brooklyn, New York 11201

**BY ELECTRONIC FILING**

Re: **United States v Urso, et al,**  
**Cr. No. 03-1328 (S-1) (NGG)**

Dear Judge Garaufis:

I write you on behalf of Anthony Furino one of the defendants in the above matter who a sentenced by you to a term of imprisonment of 24 months.

At the time of his sentence a recommendation to the Bureau of Prisons and Parole was made by you, that the defendant be lodged in the New York City area because the defendants wife had just given birth as well as the fact that his aging parents would not be able to visit with him if he were lodged too far from the New York City Area. In spite of the Courts recommendation he was lodged in the Federal Correctional Institution in Elkton Ohio. This has prevented many family visits.

Mr. Furino is now rapidly coming to the end of his sentence. A question now arises as to when he becomes eligible for halfway house placement pursuant to 18 U.S.C. 3624 (c).

At times, as in this case, the Bureau of Prisons and Parole in the location where he has been serving his sentence, has interpreted this section as limiting the work release program to 10% of the prisoner's sentence not to exceed 6 months. Thus Mr. Furino would be eligible when he has 2.4 months left to serve on his sentence. On other occasions, as Mr. Furino has been advised, when the Sentencing court has made a

recommendation that the Bureau consider that the prisoner be eligible when he has 6 months left on his sentence, the Bureau in its discretion as done away with the 10% limitation. The discretion for placement in the program to remain in the Bureau of Prisons and Parole, after considering the any of the Court's recommendations pursuant to 18 U.S.C. 3621 (b).

It is respectfully requested that this Court recommend that Mr. Furino be considered eligible for work release at the point that he has 6 months left to serve on his sentence and not when he has 2.4 months.

In this Courts decision in Pimental v Gonzales 367 F. Supp.2d 365 this very court came to the same conclusion as the request that is made here, that 18 U.S.C. 3624(c) does not limit the inmate to 10% of the total sentence time if that would be less then 6 months, as his eligible time for work release.

Thank you for considering this request.

Respectfully,

S/ MARVYN M. KORNBERG

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